



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/748,611

12/30/2003

David Lewis Myers

19191

7499

23556

7590

06/02/2006

KIMBERLY-CLARK WORLDWIDE, INC.
401 NORTH LAKE STREET
NEENAH, WI 54956

EXAMINER

SALVATORE, LYNDIA

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/748,611

Applicant(s)

MYERS ET AL.

Examiner

Lynda M. Salvatore

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 24-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment and accompanying remarks filed 03/06/06 have been fully considered and entered. Claims 1,12 and 23 have been amended as requested. Applicant's amendments are found sufficient to overcome the anticipation rejections made over Minemura et al., as set forth in sections 3,5 and 7 of the last Office Action. As such, these rejections are hereby withdrawn. However, an updated search produced new art for which to base a rejection. The following necessitated new ground of rejection is set forth herein below.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-23 are rejected under 35 U.S.C. 102(a) as being anticipated by Chapman, US 6,514,324 in view of Pike et al., US 5,873,968.

The patent issued to Chapman teaches an electrostatic air filter comprising a central electrostatic pad comprising a lofty air laid web of polyester fibers held together with a thermosetting binder (abstract, column 2, 31-36, column 4, 62-column 5, 5 and 45-50, claim 1 and claims 8-9). With regard to claims 6 and 17, Chapman teaches mixing the binder and fibers together to form a uniform sheet as well as spray bonding the binder onto the sheet (column 7, 34-36 and column 9, 25-31,60-65). The Examiner considers mixing the binder and fibers to form a web equivalent to the claimed binder impregnated web. With regard to claims 7 and 18, Chapman teaches the claimed acrylic resin (column 9, 25-27). With regard to claims 8-10 and 19-21, Chapman teaches employing 38% binder (column 6, 36-45). With regard to claims 11

Art Unit: 1771

and 22, the Examiner considers the teaching by Chapman to employing the acrylic resin to bond the fibers together to form a web sufficient to meet the limitation of “a resin which reinforces the web”. With regard to claim 12, Chapman teaches pleating the filter (column 2, 35-40).

Chapman fails to explicitly teach a continuous spunbond web made from multi-component fibers, however, the patent issued to Pike et al., teach a filter media comprising a lofty spunbond fabric formed from continuous multi-component fibers (abstract, column 3, 45-55 and column 4, 5-50). Pike et al., specifically teach bi-component fibers made from polyethylene and polypropylene (column 4, 51-65). Pike et al., specifically teaches that the filter exhibits high filtration efficiency and long service life (column 2, 10-20). Furthermore, Pike et al., discloses that that the low-density and porous structure of the lofty layer provide numerous paths and, thus, provide highly suitable means for mechanically and electrostatically trapping particulates or contaminants (column 2, 45-50).

Therefore, motivated by the desire to provide a filter media having high filtration efficiency and long service life, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the central electrostatic web layer in the filter media taught by Chapman with the lofty spunbond web taught by Pike et al.

With specific regard to claim 23, although the combination of Chapman in view of Pike et al., does not explicitly teach the claimed yield stress and plastic recovery properties, it is reasonable to expect that said properties would be exhibited in the filter media provided by Chapman in view of Pike et al. Support for said presumption is found in the use of like materials such as an a spunbonded non-woven web comprising thermosetting acrylic binder and the use of

Art Unit: 1771

like process such as pleating, which would result in the claimed yield stress and plastic recovery properties.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M. Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1771

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 15, 2006

ls



TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700